

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Tom Muir et al.
Serial No. : 10/784,721
Filing Date : February 23, 2004
Examiner : N/A
Group Art Unit : N/A
Entitled : Multiple Sensor-Containing
Polypeptides, Methods of
Preparation and Uses Thereof

Suite 2400
1601 Market Street
Philadelphia, PA 19103
(215) 563-4100 (telephone)
(215) 563-4044 (facsimile)
Our File No. 3440-P02516US1

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)

I hereby certify that this Correspondence is being deposited on the date identified below with the United States Postal Service as first-class mail in an envelope properly addressed to COMMISSIONER FOR PATENTS, P.O. Box 1450, Alexandria, VA 22313-14500

October 11, 2004
Date of Certificate

Caren Burgoon
Caren Burgoon

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 C.F.R. §1.182 FOR INCLUDING IN THIS
APPLICATION OMITTED DRAWINGS CONTAINED IN PARENT APPLICATION

Dear Sir:

The above-identified patent application (hereinafter "the '721 application") was filed as a continuation of U.S. Application 09/483,543 (hereinafter "the '543 application"), which is now abandoned. As filed, the '721 application omitted

Figures 1-5 of the drawings. The omission of these drawings from the application papers filed in the '721 application was inadvertent.

Figures 1-5 were contained in the parent '543 application, which was duly incorporated by reference in the '721 application at the time of its filing. See the incorporation-by-reference statements set forth in the transmittal letter (Form PTO/SB/05) and Preliminary Amendment which were included with the '721 application as filed on February 23, 2004.

Section 201.06(c) of the Manual of Patent Examining Procedure provides, in pertinent part, as follows:

"A petition under 37 C.F.R. §1.182 and the required petition fee, including an amendment submitting the necessary omitted material, requesting that the necessary omitted material contained in the prior application and submitted in the amendment be included in the continuation or divisional application based upon the incorporation by reference statement, is required in order to accord the application a filing date as of the date of deposit of the continuation or divisional application."

Accompanying this petition is an amendment submitting omitted Figures 1-5.

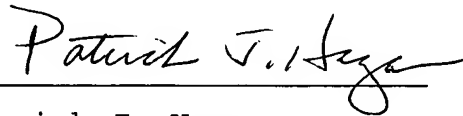
It is respectfully requested that this petition be granted and that omitted Figures 1-5, which were contained in the '543 application and are submitted in the concurrently filed amendment be included in the '721 application, based upon the above-noted incorporation-by-reference statements, and that the '721 application be officially accorded a filing date of February 23, 2004, which is the date of deposit of the '721 application. See the attached copy of the postcard receipt bearing an official label showing the serial number and date of deposit of February

23, 2004.

A check in the amount of \$130.00 is submitted herewith, in payment of the petition fee required under 37 C.F.R. §1.17(h). In the event that the check is improper, the Commissioner is authorized to charge any underpayment or credit any overpayment to the account of the undersigned attorneys, Deposit Account No. 04-1406. A duplicate copy of this petition is enclosed for fee processing purposes.

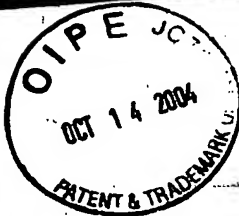
Respectfully submitted,

DANN, DORFMAN, HERRELL and SKILLMAN

A handwritten signature in cursive script, reading "Patrick J. Hagan", written over a horizontal line.

Patrick J. Hagan
Reg. No. 27,643
Attorney for Applicants

PJH:cmb



In re the Application of:

Tom Muir, et al.

Application Number:
09/483,543

For: Multiple Sensor-Containing
Polypeptides, Methods of Preparation
and Uses Thereof

The following paper(s) has/have been received:

Utility Patent Application Transmittal Sheet
Fee Calculation Sheet (in duplicate)
6 Sheets of Preliminary Amendment
3 Sheets of Declaration, Power of Atty. & Power to Inspect
Copy of Power of Attorney By Assignee of Entire
Interest as filed in prior Application No. 09/483,543
Check in the amount of \$ 385.00
2 Sheets of Verified Statement Claiming Small Entity
Status

Patent and Trademark Office is respectfully requested to place its STAMP on the POSTAL CARD and place it in the outgoing mail.

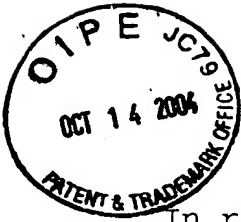
02/23/04 jcb
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Respectfully,
Patrick J. Hagan, Esq.

17548 U.S. PTO
10/784721



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Accompanying this petition is an amendment submitting omitted Figures 1-5.

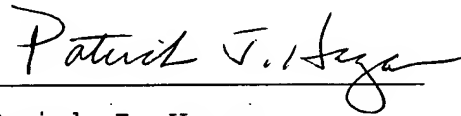
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Respectfully submitted,

DANN, DORFMAN, HERRELL and SKILLMAN

A handwritten signature in cursive script, reading "Patrick J. Hagan", written over a horizontal line.

Patrick J. Hagan
Reg. No. 27,643
Attorney for Applicants

PJH: cmb



In re the Application of:

Tom Muir, et al.

Application Number:
09/483,543

For: Multiple Sensor-Containing
Polypeptides, Methods of Preparation
and Uses Thereof

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SECOND PRELIMINARY AMENDMENT

Dear Sir:

Please further amend the above-identified patent application as files:

Amendments to the Specification

Please insert the attached drawing sheets, identified as Figure 1, Figure 2, Figure 3, Figure 4 and Figure 5, into the above-identified patent application.

REMARKS

The present application was filed as a continuation of U.S. Application No. 09/483,543 (hereinafter "the 543 application"). As filed, the present application omitted Figures 1-5 of the drawings which resulted in the issuance of a Notice of Incomplete Nonprovisional Application (hereinafter "the Notice"), dated August 13, 2004. The Notice also indicated that the present application is non-compliant, in certain respects, with the requirements of 37 C.F.R. §1.821-1.825.

The Notice sets a two (2) month period for response. This second preliminary amendment is being filed before the expiration of the two (2) month response period.

Figures 1-5 were contained in the parent '543 application, which was duly incorporated by reference in the present application at the time of its filing. See the incorporation-by-reference statement set forth in the transmittal letter (Form PTO/SB/05) and the Preliminary Amendment which were included with the present application as filed on February 23, 2004.

The omission of Figures 1-5 from this application, as filed, was inadvertent.

Section 201.06(c) of the Manual of Patenting Examining Procedure (M.P.E.P.) provides, in pertinent part, as follows:

"A petition under 37 C.F.R. §1.182 and the required petition fee, including an amendment submitting the necessary omitted material, requesting that the necessary omitted material contained in the prior application and submitted in the amendment be included in the continuation or divisional application based upon the incorporation by reference statement, is required in order to accord the application a filing date as of the date of deposit of the continuation or divisional application."

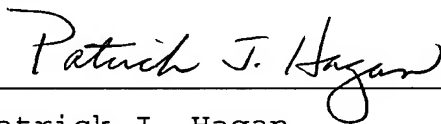
Accompanying this amendment is a petition under 37 C.F.R. §1.182 and the appropriate petition fee as required by §201.06(c) of the M.P.E.P.

Entry of the present amendment is respectfully requested. This amendment does not introduce new matter into the application, in view of the above-noted incorporation-by-reference of the '453 application.

Also submitted herewith is a Submission Of Sequence Listing Under 37 C.F.R. §§1.821-1.825 and Request To Use Computer Readable Form From Another Application, which is believed to overcome the only other deficiency set forth in the Notice.

If a fee is required for consideration of the present amendment, the Commissioner is authorized to charge such fee to the account of the undersigned attorneys, Deposit Account No. 04-1406. A duplicate copy of the cover sheet of this second preliminary amendment is attached for fee processing purposes, if necessary.

Respectfully submitted,

A handwritten signature in cursive script, reading "Patrick J. Hagan", is written over a horizontal line.

Patrick J. Hagan

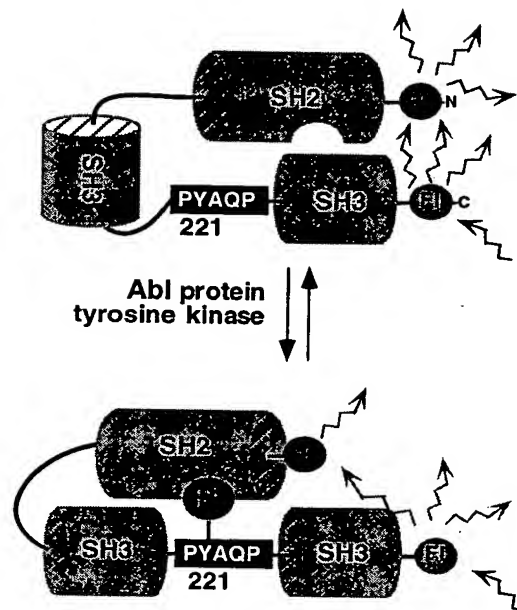
Reg. No. 27,643

Attorney for Applicant

PJH:cmb

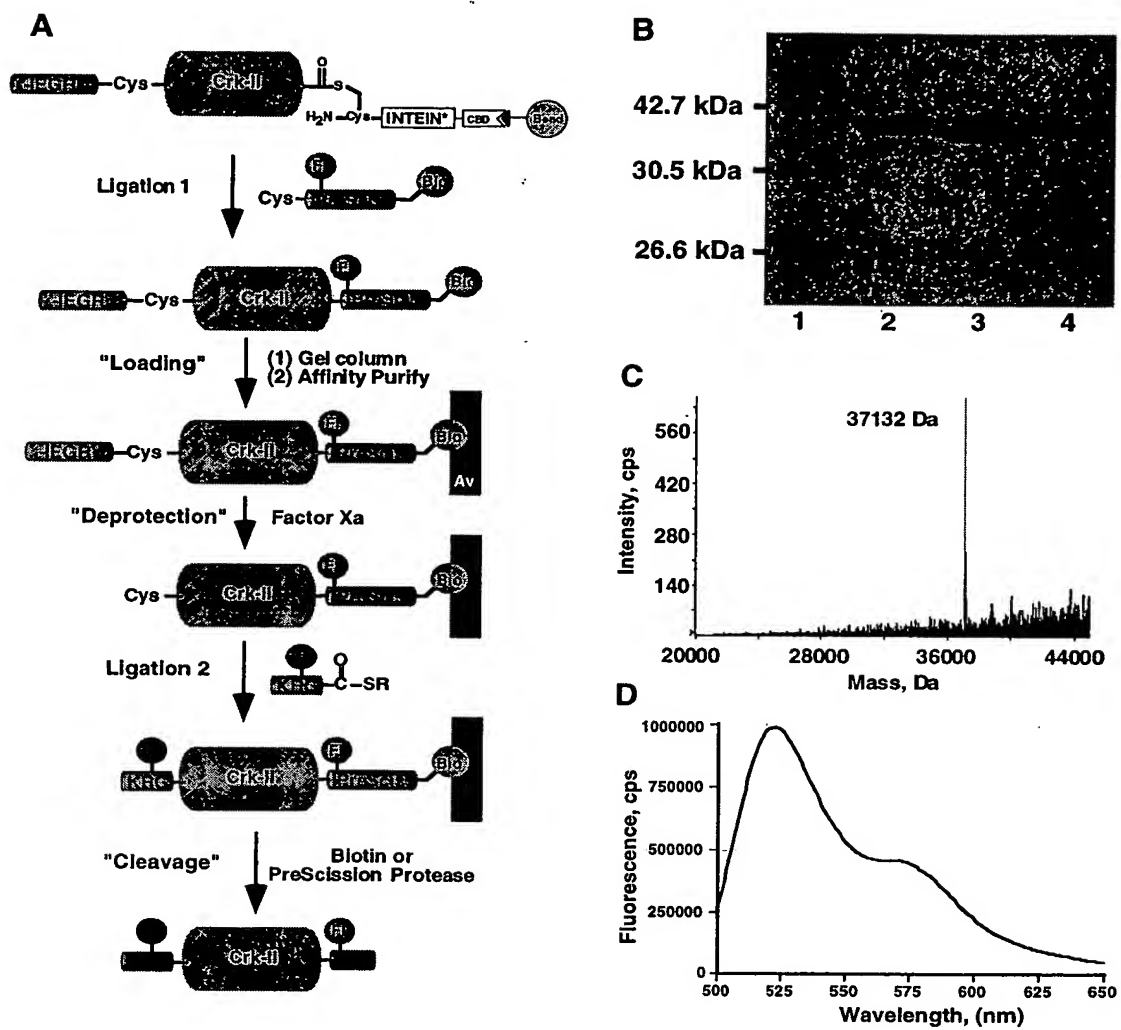


Figure 1



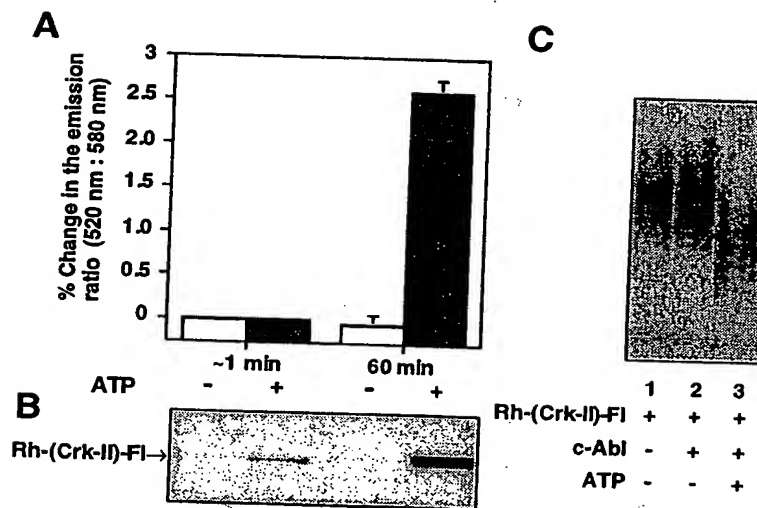
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Figure 2



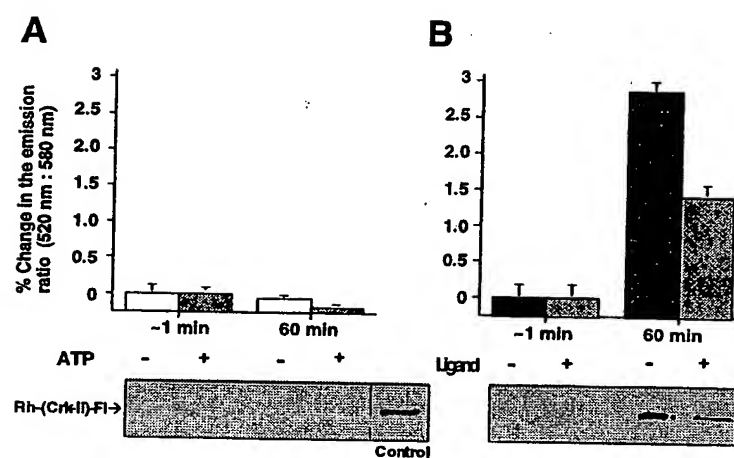
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Figure 3



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Figure 4



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Figure 5

(A)
Rh-KRGCAGNFDSEERSSWYWGRLSRQEAVALLQGQRHGVFLVRDSSTSPGD
5 YVLSVSENSRVSHYIINSSGPRPP
VPPSPAQPPPGVSPSRLRIGDQEFDSLPALEFYKIHLYLDTTTLIEPVARSRQGS
GVILRQEEAEYVRALFDFNGN
DEEDLPFKKGDILRIRDKPEEQWWNAEDSEGKRGMPVPYVEKYRPASASVS
ALIGGNQEGSHPQPLGGPEPGPYA
10 QPSVNTPLPNLQNGPIYARVIQKRVPNAYDKTALALEVGELVKVTKINVSGQ
WEGECNGKRGHFPFTHVRLLDQQN
PDEDFSGCGKDapa(FI)GLEVLFFQ

15 (B)
Rh-KRGCAGNFDSEERSSWYWGRLSRQEAVALLQGQRHGVFLVRDSSTSPGD
YVLSVSENSRVSHYIINSSGPRPP
VPPSPAQPPPGVSPSRLRIGDQEFDSLPALEFYKIHLYLDTTTLIEPVARSRQGS
GVILRQEEAEYVRALFDFNGN
20 DEEDLPFKKGDILRIRDKPEEQWWNAEDSEGKRGMPVPYVEKYRPASASVS
ALIGGNQEGSHPQPLGGPEPGPYA
QPSVNTPLPNLQNGPIYARVIQKRVPNAYDKTALALEVGELVKVTKINVSGQ
WEGECNGKRGHFPFTHVRLLDQQN
PDEDFSGCGKDapa(FI)GLEVLFFQGPVRKGK(Biotin)G
25



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SUBMISSION OF SEQUENCE LISTING UNDER 37
C.F.R. §§1.821-1.825 AND REQUEST TO USE COMPUTER
READABLE FORM FROM ANOTHER APPLICATION

Dear Sir:

In order to comply with the requirements under 37 C.F.R. §§1.821-1.825 in connection with the above-identified patent application (hereinafter "the '721 application"), submitted herewith, is a paper copy of the Sequence Listing of

the nucleotide sequences, set forth in the '721 application.

Applicants hereby request that the computer readable form of the sequence listing from their parent application, U.S. Application No. 09/483,543 (hereinafter "the '543 application") filed January 14, 2000, be used in the '721 application.

In accordance with 37 C.F.R. §1.821(e), please use the final computer readable form, filed April 5, 2002 in the '543 application, as the computer readable form for the '721 application. It is understood that the Patent and Trademark Office will make the necessary changes in application number and filing date for the computer readable form that will be used for the '721 application.

Applicants respectfully request entry of the Sequence Listing submitted herewith into the '721 application.

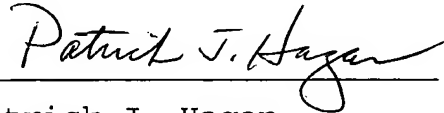
The undersigned hereby verifies that the computer readable form of the Sequence Listing filed April 5, 2002 in the '543 application is identical to the written Sequence Listing submitted herewith.

The present submission does not contain any new matter.

In the event that a fee is required in connection with the present submission and request, or either of them, the Commissioner is authorized to charge the account of the undersigned attorney, Deposit Account No. 04-1406.

Respectfully submitted,

DANN, DORFMAN, HERRELL and SKILLMAN

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Patrick J. Hagan

Reg. No. 27,643

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